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August 26, 2003

Ms. Marlene H. Dortch
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

RE: *Ex Parte* Presentations in CS Docket No. 97-80 (Implementation of the Section 304 of the Telecommunications Act of 1996: Commercial availability of Navigation Devices); PP Docket No. 00-67 (Compatibility between Cable Systems and Consumer Electronics Equipment); and MB Docket No. 02-230 (Digital Broadcast Copy Protection)

Dear Ms. Dortch:

This is to notify the office of the Secretary that on August 25, 2003, Fritz Attaway of the Motion Picture Association of America, accompanied by Paul Heimbach and Anne Lucey of Viacom Inc., and Troy Dow of The Walt Disney Company, held a series of ex parte meetings with the below listed FCC Commissioner and staff members:

Commissioner Michael Copps
Jordan Goldstein

Paul Gallant, Office of Chairman Powell
Jane Mago, Chief, Office of Strategic Planning & Policy Analysis
Erin Coleen Boone
Amy Nathan
Susan Mort, Media Bureau

Matt Brill, Office of Commissioner Abernathy
Brendan Carr

The meetings covered material submitted to the FCC in the Joint Comments of Motion Picture Association of America, et al. on March 28, 2003, and Reply Comments on April 28, 2003, in CS Docket No. 97-80 and PP Docket No. 00-67, and in Joint Comments on December 6, 2002, and Reply Comments on February 20, 2003, in MB Docket No. 02-230.

The *ex parte* presentations focused on the following points

- Adoption of a "Plug & Play" regulatory scheme should be based on multi-industry negotiations where all interested parties are provided an opportunity to participate.
- Subpart W is not necessary to achieve interoperability of cable interface devices.
- Subpart W issues should be resolved by marketplace negotiations among content owners, distributors and ultimately users.
- Subpart W forecloses new business models by imposing regulated, mandated content usage rules.
- Content providers and other interested parties should have an opportunity to participate in an open process to select new, protected outputs and de-certify previously protected outputs that have been compromised.
- Subpart W perpetuates the analog hole and discourages a complete transition from analog to digital.
- The same product cycle concern that supports prompt action on Plug & Play requires prompt action on Broadcast Flag. The first generation of Plug & Play receivers should not be rolled out without the broadcast flag technology.

In accordance with Section 1.1206 of the Federal Communications Commission rules, this original and one copy are provided to your office. A copy of this notice is being delivered to the parties mentioned above.

Sincerely,

A handwritten signature in blue ink, appearing to be "T. S. Thomas", written over a horizontal line.